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UNITED NATIONS COMMISSION ON
INTERNATIONAL TRADE LAW
Working Group on
International Contract Practices
Fifteenth session
New York, 13-24 May 1991

PROVISIONAL AGENDA

1. Election of officers
2. Adoption of the agenda
3. Preparation of a uniform law on international guaranty letters
4. Other business
5. Adoption of the report

Notes on the provisional agenda

Pursuant to a decision taken by the Commission at its twenty-first session, 1/ the Working Group on International Contract Practices devoted its twelfth session to a review of the draft Uniform Rules on Guarantees being prepared by the International Chamber of Commerce and to an examination of the desirability and feasibility of any future work relating to greater uniformity at the statutory law level in respect of guarantees and stand-by letters of credit. The Working Group recommended that work be initiated on the preparation of a uniform law, whether in the form of a model law or in the form of a convention.

1/ Report of the United Nations Commission on International Trade Law on the work of its twenty-first session, Official Records of the General Assembly, Forty-third Session, Supplement No. 17 (A/43/17), para. 18.

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The Commission, at its twenty-second session, accepted the recommendation of the Working Group that work on a uniform law should be undertaken and entrusted this task to the Working Group. 2/ At its thirteenth session held in New York from 8 to 18 January 1990, the Working Group commenced its task by considering, on the basis of a note by the Secretariat (A/CN.9/WG.II/WP.65), possible issues of a uniform law. At its fourteenth session held at Vienna from 3 to 14 September 1990, the Working Group examined draft articles 1 to 7 of the uniform law prepared by the Secretariat (A/CN.9/WG.II/WP.67) and considered the issues discussed in the note by the Secretariat relating to amendment, transfer, expiry, and obligations of guarantor (A/CN.9/WG.II/WP.68).

The Working Group is composed of all States members of the Commission. These are:

Argentina, Bulgaria, Cameroon, Canada, Chile, China, Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Egypt, France, Germany, Hungary, India, Iran (Islamic Republic of), Iraq, Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Mexico, Morocco, Netherlands, Nigeria, Sierra Leone, Singapore, Spain, Togo, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, and Yugoslavia.

Item 1. Election of officers

The Working Group, in accordance with its practice at previous sessions, may wish to elect a Chairman and a Rapporteur.

Item 3. Preparation of a uniform law on international guaranty letters

The Working Group may wish to continue its deliberations on the obligations of the guarantor by considering the following questions: time allowed for examination, duties of notification, and liability and exemption (as discussed in A/CN.9/WG.II/WP.68, paras. 58-72).

The Working Group will have before it at the fifteenth session two notes by the Secretariat containing a discussion of further issues possibly to be dealt with in the uniform law on international guaranty letters, namely fraud and other objections to payment, injunctions and other court measures (A/CN.9/WG.II/WP.70) and conflict of laws and jurisdiction (A/CN.9/WG.II/WP.71). The Working Group may wish to use these notes as a basis of its deliberations.

The following documents will be made available at the session:

(a) Report of the Working Group on International Contract Practices on the work of its fourteenth session (A/CN.9/342);

2/ Report of the United Nations Commission on International Trade Law on the work of its twenty-second session, Official Records of the General Assembly, Forty-Fourth session, Supplement No. 17 (A/44/17), para. 244.

(b) Note by the Secretariat setting forth a first draft of general provisions and an article on establishment for a uniform law on international guaranty letters (A/CN.9/WG.II/WP.67);

(c) Report of the Working Group on International Contract Practices on the work of its thirteenth session (A/CN.9/330);

(d) Note by the Secretariat discussing some issues of a uniform law: substantive scope of application, party autonomy and its limits, and rules of interpretation (A/CN.9/WG.II/WP.65);

(e) Report of the Working Group on International Contract Practices on the work of its twelfth session (A/CN.9/316);

(f) Note by the Secretariat setting forth tentative considerations on the preparation of a uniform law (A/CN.9/WG.II/WP.63);

(g) Report of the Secretary-General on stand-by letters of credit and guarantees (A/CN.9/301).

Item 5. Adoption of the report

The Working Group may wish to adopt, at the close of its session, a report for submission to the twenty-fourth session of the Commission.

Meetings

The session of the Working Group will take place from 13 to 24 May 1991 at United Nations Headquarters, New York. No meeting will be scheduled for Thursday, 23 May in order to allow for the preparation of the draft report of the session. Meeting hours will be from 10 am to 1 pm and 3 pm to 6 pm, except on Monday, 13 May 1991, when the meeting will commence at 10.30 am.